

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CHRISTOPHER DANIEL McNOSKY,
and SVEN STRICKER,
Plaintiffs,

v.

TEXAS GOVERNOR RICK PERRY, et al.
Defendants.

§
§
§
§
§
§
§

Case No. 1:13-CV-0631 SS

JOINT DISCOVERY PLAN

COME NOW Christopher McNosky and Sven Stricker, (“Plaintiffs”) and Texas Governor Rick Perry, and Texas Attorney General Greg Abbott in their official capacities only (“Defendants”)¹ and file this Joint Discovery Plan. The parties were unable to agree on all the deadlines, and therefore, each party’s proposed deadline is designated “P” or “D”. In support thereof, the parties respectfully offer the following:

1. Pursuant to the Court Order of November 6, 2013, the parties hereby inform the Court that they conferred to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by subdivision (a)(1), and have developed a proposed discovery plan. This 26(f) conference was held on December 2, 2013.

2. The parties understand the nature of the claims and the defenses. The parties have discussed what types of discovery and motions practice will be necessary in pursuit of resolution.

1 . Defendant Mary Louise Garcia was served but did not participate because her answer date is not ripe.
Joint Discovery Plan

3. The parties agree that a discovery schedule would be agreed upon and set out in the scheduling order. The plan allows time for depositions of parties, witnesses, expert witnesses, production of documents, requests for admissions, and other related matters.

4. The discovery start date will be D - January 30, 2014; P – January 6, 2014.

5. The parties will make their initial disclosures as required by Rule 26(a)(1) on or before D - January 30, 2014; P – January 6, 2014.

6. The parties are prepared to file, and will file on or before December 23, 2013 as ordered by the Court, a proposed scheduling order. The proposed scheduling order will include the following suggested dates: (a) ADR report – 2/7/14, (b) Plaintiff's offer of settlement – 1/17/14, (c) Defendants' response to offer of settlement – 1/24/14, (d) deadline to amend or supplement pleadings or join parties – D - 3/28/14; P – 1/24/14, (e) plaintiffs expert designation deadline – D - 4/11/14; P – 2/7/14, (f) Defendants' expert designation deadline – D - 5/16/14; P – 3/7/14, (g) discovery completion – D - 6/27/14; P – 4/25/14, (h) dispositive motions deadline – D - 7/11/14; P – 5/9/14.

7. The parties believe that very limited discovery of documents and tangible things, in addition to the disclosures required by Rule 26(a), will be necessary on liability issues, see below. The parties believe that this discovery will be completed by D - June 27, 2014; P – May 23, 2014 in accordance with the parties' proposed scheduling order.

8. The parties **DO NOT** believe discovery of electronically stored information will be necessary.

9. Since the issues raised herein are legal issues, neither party at this time sees the need for any discovery outside of the Rule 26 initial, trial, and supplemental disclosures, and, if any experts are designated, the depositions of those experts in accordance with the rules.

10. Defendant contends that this proposal is subject to the Court's ruling on the Defendant's Motion to Consolidate which is presently pending.

Respectfully Submitted,

/s/ Christopher Daniel McNosky

CHRISTOPHER DANIEL MCNOSKY

5108 Pleasant Run
Colleyville, Texas 76034

Pro Se

/s/ Sven Stricker

SVEN STRICKER

3047 Bent Tree Ct
Bedford, Texas 76021

Pro Se

/s/ William T. Deane

WILLIAM T. DEANE

Texas Bar No. 05692500
Assistant Attorney General
Office of the Attorney General
General Litigation Division-019
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 936-1534
(512) 320-0667 FAX

Bill.Deane@texasattorneygeneral.gov

Attorney for Defendants

*Texas Governor Rick Perry and Texas
Attorney General Greg Abbott*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument has been sent via CMF, email, and certified mail, return receipt requested on this 9th day of December 2013, to:

Mr. Christopher Daniel McNosky
5108 Pleasant Run
Colleyville, Texas 76034

Mr. Sven Stricker
3047 Bent Tree Ct
Bedford, Texas 76021
Attorneys for Plaintiffs

Ms. Mary Louise Garcia
Office of Public Records and Civil Courts
1895 Courthouse
100 W. Weatherford
Fort Worth, TX 76196

/s/ William T. Deane

WILLIAM T. DEANE

Joint Discovery Plan

Page 3